UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/092,420	03/07/2002	Manuel Nedbal	550-322	7937

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EXAMINER
LIN, KELVIN Y

ART UNIT	PAPER NUMBER
2142	

DATE MAILED: 05/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

Office Action Summary	Application No.	Applicant(s)
	10/092,420	NEDBAL ET AL.
	Examiner	Art Unit
	Kelvin Lin	2142

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____.
2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.
3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-51</u> is/are pending in the application.
    4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5)☐ Claim(s) _____ is/are allowed.
6)☒ Claim(s) <u>1-51</u> is/are rejected.
7)☐ Claim(s) _____ is/are objected to.
8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.
10)☒ The drawing(s) filed on <u>05 June 2002</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    a)☐ All   b)☐ Some * c)☐ None of:
       1.☐ Certified copies of the priority documents have been received.
       2.☐ Certified copies of the priority documents have been received in Application No. _____.
       3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

Detailed Action

Claim Rejections - 35 USC § 102

1.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by
> another filed in the United States before the invention by the applicant for patent or (2) a patent
> granted on an application for patent by another filed in the United States before the invention by the
> applicant for patent, except that an international application filed under the treaty defined in section
> 351(a) shall have the effects for purposes of this subsection of an application filed in the United States
> only if the international application designated the United States and was published under Article 21(2)
> of such treaty in the English language.

2.   Claims 1-51 are rejected under 35 USC 102(e) as being

anticipated by Uszok et al., (U.S. PG Pub. No. 2004/0205772).

3.   Regarding claim 1, Uszok teaches a computer program product for controlling

a target computer to perform an operation in response to data received from an

initiating computer (Uszok, [0009], l.1-11), said computer program

product comprising:

- agent process code operable to execute on said target computer to

  provide an agent process to : receive at an agent process executing

  on said target computer autonomously generated operation specifying

  data sent from said initiating computer to said target computer

  (Uszok, [0050], l.1-9, [0054], l.13-25, [0055], l.4-9);

- read from said operation specifying data an identifier of a target

                process for performing said operation (Uszok, [0057], I.1-7); and

- if said target process is available to said target computer to pass at

  least a portion of said operation specifying data from said agent

  process to said target process (Uszok, [0057], I.8-15); and

- target process code operable to provide one or more target

  processes for performing operations in response to operation

  specifying data, said one or more target processes being provided at

  said first computer independently of said agent process (Uszok,

  [0054], I.13-15);.

4.   Regarding claim 2, Uszok further discloses a computer program product as claimed in claim 1, wherein said operation specifying data is passed from said initiating computer to said target computer as XML data (Uszok, [0014], I.11).

5.   Regarding claim 3, Uszok further discloses a computer program product as claimed in claim 2, wherein said operation specifying data represents a target process as a complex data type within said XML data (Uszok, [0065], I.1-14).

6.   Regarding claim 4, Uszok further discloses a computer program product as claimed in claim 3, wherein parameter data used by a target process is represented by data within said complex data type of said target process (Uszok, [0069], [0077], [0088]).

7.   Regarding claim 5, Uszok further discloses a computer program product as claimed in claim 1, wherein said operation performed includes configuring said target computer to execute a computer program (Uszok, [0061], I.3-10).

8.   Regarding claim 6, Uszok further discloses a computer program product as claimed in claim 5, wherein said target process is operable to map configuration data specified within said operation specifying data to a configuration data store of said target computer (Uszok, [0064], I.5-11).

9.   Regarding claim 7, Uszok further discloses a computer program product as claimed in claim 6, wherein said configuration data store is one of: a Windows Registry entry; an INI file; a DAPI store; and a database entry (Uszok, [0048], I.1-6).

10.   Regarding claim 8, Uszok further discloses a computer program product as claimed in claim 1, wherein said identifier of data specifying a computer file operable to trigger said target process; data specifying a communication channel operable to trigger said target process; and data specifying an operating system command operable to trigger said target process (Uszok, [0070], I. 10-22).

11.   Regarding claim 9, Uszok further discloses a computer program product as claimed in claim 1, wherein said operation specifying data includes parameter data used by said target process in said operation (Uszok, [0070], I. 18-20).

12.   Regarding claim 10, Uszok further discloses a computer program product as claimed in claim I , wherein said operation includes returning result data from said target computer to said initiating computer in dependence upon said operation performed by said target process (Uszok, [0009], I.7-9, [0070], I. 1-22, [0093], I.1-12).

13.   Regarding claim 11, Uszok further discloses a computer program product as
claimed in claim 10, wherein said result data includes data specifying existing
configuration data of said target computer (Uszok, [0122], l.1-2, which profile
corresponds to configuration data) .

14.   Regarding claim 12, Uszok further discloses a computer program product as
claimed in claim 11, wherein said target process is operable to map existing
configuration data of said target computer stored within a configuration data store
of said target computer to said result data to be returned to said initiating
computer (Uszok, [0100], l.1-15),

15.   Regarding claim 13, Uszok further discloses a computer program product as
claimed in claim 12, wherein said configuration data store is one of: a Windows
Registry entry; an INI file; a DAPI store; and a database entry (Uszok, [0048],
l.1-6).

16.   Regarding claim 14, Uszok further discloses a computer program product as
claimed in claim 12, wherein said result data is passed from said target
computer to said initiating computer as XML data (Uszok, [0088], [0128])..

17.   Regarding claim 15, Uszok further discloses a computer program product as
claimed in claim 1, wherein said operation includes returning result data from said
target computer to said initiating computer independence upon whether or not
said target process is available to said target computer (Uszok, [0050], [0068]).

18.   Regarding claim 16, Uszok further discloses a computer program product as
claimed in claim 1, wherein an operation that may be performed by said target

computer includes installing a new target process (Uszok, [0083], l.1-8).

19.   Regarding claim 17, Uszok further discloses a computer program product as

claimed in claim 1, wherein said operation specifying data is validated by said

target computer by comparing with a template defining valid data (Uszok,

[0073], l.14-21).

20.   Regarding claims 18-34 have similar limitations as claims 1-17.

Therefore, claims 18-34 are rejected for the same reasons set forth in the

rejection of claims 1-17.

21.   Regarding claims 35-51 have similar limitations as claims 1-17.

Therefore, claims 35-51 are rejected for the same reasons set forth in the

rejection of claims 1-17.

Conclusion

The prior art made of record and not relied upon is considered pertinent to application's disclosure.

- Hutsch et al., (US PG Pub No. 2001/0034771) Network Portal System and Methods.

- Moshir et al., (US PG Pub No. 2002/0100036) Non-Invasive Automatic Offsite Patch Fingerprinting and Updating System and Method.

- Bloch et al., (US PG Pub No. 2002/0129129) System and Method for Deploying and Implementing Software Applications over A Distributed Network.

- Northrop et al., (US PG Pub No. 2003/0172127) Execution of Process by References to Directory Service.

- IEEE – Buhler et al., Remote fieldbus system management with JAVA and XML, Industrial Electronics, 2000, ISIE 2000. Proceedings of the 2000 IEEE International symposium. Vol. 1, 4-8 Dec. 2000, pp. 1-6.

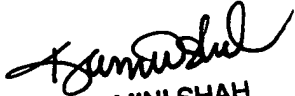Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kelvin Lin whose telephone number is 571-272-3898. The examiner can normally be reached on Flexible 4/9/5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Jack Harvey can be reached on 571-272-3896. The fax phone number for

the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

05/05/05
KYL

KAMINI SHAH
PRIMARY EXAMINER